

Amend committee amendment by striking out "section 1" and insert "enacting clause."

Senator Potter offered the following amendment:

Amend by striking out the first "not" in section 4.

Adopted.

The amendment of Senator Kimbrough was adopted:

The bill was passed.

Senator Page moved to postpone pending business, and take up out of its regular order,

House joint resolution No. 1 to amend section 11, article 16, of the constitution of the State of Texas.

Adopted, and resolution read second time, with a favorable committee report:

Senator Page offered the following amendment:

Amend by striking out "first Tuesday after the second Tuesday in August" and insert "the second Tuesday in August."

Adopted.

The resolution was passed to a third reading.

Senator Finch moved to postpone pending business and take up out of its regular order Senate bill No. 314, entitled an act rendering certain persons incompetent to become officers or aldermen of any city in the State of Texas; and to disqualify such persons to hold such office or being such aldermen.

Adopted and bill read a second time with a favorable committee report.

Senator Finch offered the following amendment:

Section 2. The near approach of the end of the session of the Legislature creates an imperative, public necessity, that the constitutional rule requiring bills to be read on three several days be suspended as to this act and said rule is hereby suspended.

Adopted.

The bill was ordered engrossed.

Senator Finch moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Carter,	Glasscock,	Seale,
Clark,	Harrison,	Simkins,
Clemens,	Johnson,	Stephens,
Crane,	Kearby,	Townsend,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	Page,	Whatley,
Garwood,	Potter,	

NAYS—2.

Lubbock,

Mott,

Bill read third time.

Senator Stephens offered the following amendment:

Amend by adding to end of section 1 the following:

"Provided that nothing contained in this act shall apply to any city with less than 5000 inhabitants."

Lost.

Senator Stephens moved to reconsider.

Lost.

Senator Harrison moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—12.

Clark,
Clemens,
Cranford,
Garwood,

Glasscock,
Harrison,
Lubbock,
Maetze,
Mott,
Townsend,
Weisiger,
Whatley.

NAYS—16.

Burney,
Carter,
Crane,
Finch,
Frank,
Johnson,

Kearby,
Kimbrough,
McKinney,
Page,
Potter,
Seale,
Simkins,
Sims,
Stephens,
Tyler.

Senator Harrison moved to adjourn to 3 p. m. this day.

Lost.

The pending bill passed by the following vote:

YEAS—17.

Burney,
Carter,
Clark,
Crane,
Cranford,
Finch,
Frank,

Glasscock,
Harrison,
Johnson,
Kearby,
Kimbrough,
Maetze,
McKinney,
Page,
Potter,
Simkins,
Townsend,

NAYS—10.

Clemens,
Garwood,
Lubbock,
Mott,

Seale,
Sims,
Stephens,
Tyler,
Weisiger,
Whatley.

Senator Kimbrough moved to reconsider the vote passing the bill and to lay that motion on the table.

Adopted.

On motion of Senator Johnson the Senate adjourned to 10 o'clock a. m. tomorrow.

SIXTY-SECOND DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, March 26, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—28.

Atlee,	Harrison,	Potter,
Bursey,	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clark,	Kimbrough,	Sims,
Clemens,	Lubbock,	Stephens,
Crane,	Maetze,	Townsend,
Cranford,	McKianey,	Tyler,
Finch,	Mott,	Weisiger,
Frank,	Page,	Whitley,
Glasscock,		

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Atlee, the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Memorial from citizens of San Saba county, asking for an increase of the ranger force in this State.

Read first time and referred to committee on Military Affairs.

By Senator Stephens:

Memorial from Wilbarger county, praying that the locations and surveys made by Confederate certificates be validated.

Read first time and referred to committee on Public Lands.

The chair gave notice of signing and signed in the presence of the Senate Senate bill No. 335, entitled "An act to regulate voting in cities and towns of five thousand inhabitants or more."

Senator Finch moved to correct the Journal of yesterday in regard to action of the Senate on the passage of Senate bill No. 314, the Journal showing irregularity and transposing of the different actions of the Senate in passing the bill.

Adopted, and Journal ordered to be so corrected.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
Twenty-Second Legislature, }
AUSTIN, TEXAS, March 26, 1891. }
Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed Senate bill No. 2, known as "the Text Book bill" with attached amendment. Ayes 59, noes 31.

Senate bill No. 183, an act to amend sections 1, 5 and 15, of chapter 55 of the acts of 1889, in reference to the commission of appeals, and sections 6, 9, and 13 and 14 of chapter 95, entitled an act to create a commission of arbitration and award and define the powers and duties thereof and to make an appropriation to pay the salaries of

the judges thereof, with attached amendment. Ayes 78, noes 9.

House Joint Resolution No. 23, creating an auditing board to pass on certain claims against the State of Texas relative to quarantine. Ayes 74, noes 3.

Also that the House has concurred in Senate amendments to House bills No. 39 and No. 349.

Respectfully,

SAM H. DIXON, Chief Clerk,

House of Representatives.

House joint resolution No. 23, creating an auditing board to pass on certain claims against the state of Texas relative to quarantine, was referred to committee on Public Health.

Also concurrent resolution creating an auditing board to pass on certain claims against the state, and to authorize the Governor to direct payment therefor, reported by a special committee of both houses yesterday, was taken from the President's table and referred to committee on Public Health.

The following reports were handed in by their respective committees:

COMMITTEE ROOM,

Austin, March 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 366 being "An act to provide for the erection of a laboratory and other buildings at the university of Texas; to provide for the building of a new executive mansion for the use of the Governor of this State, and for necessary improvements at the A. and M. college of Texas, appropriating the money due the State of Texas for bounty on sugar to pay for such buildings and improvements, and repealing all laws in conflict therewith."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

COMMITTEE ROOM,

Austin, March 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 368, being "An act to punish parents and guardians or other persons for giving false ages of children to persons authorized to take the scholastic ages of children of the state of Texas,"

Have had the same under considera-

tion and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

COMMITTEE ROOM.

Austin, March 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill No. 79, being "An act to amend article 1228, 1229 and 1280 of the revised civil statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM.

Austin, March 2, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 367, being "An act to amend chapter 2, title 11, of the revised civil statutes of the State of Texas, relating to county attorneys, by adding thereto article 248a."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM.

Austin, March 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 314, being "An act rendering certain persons incompetent to become officers or alderman of any city in the state of Texas and to disqualify such persons to hold such office or being such alderman,"

And find the same correctly engrossed.

CARTER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Potter:

Joint resolution to amend section 24, article 3 of the Constitution of the State of Texas, fixing the pay of members of the Legislature at \$8 per day for a session of not more than 100 days, and providing that no member shall receive any such pay for any day he may be absent from the session of the Legislature unless he be on committee or other legislative duty.

Read first time and referred to committee on Constitutional amendments.

By Senator Stephens:

A bill to be entitled "An act to make valid and confirm the locations, surveys and patents on lands located by virtue of Confederate land certificates.

Read first time and referred to committee on Public Lands.

By Senator Tyler:

A bill to be entitled "An act to amend article 1316, chapter 12, title 29 of the revised civil statutes of the State of Texas.

Read first time and referred to Judiciary committee No. 2.

Senator Glasscock moved to correct the Journal of yesterday, changing the word "release" to the word "relieve" in reasons given for voting yea on final passage of House bill No. 598, on page 5 of the Journal.

Journal was ordered to be so corrected.

Senator Frank moved to postpone pending business and take up out of its regular order Senate bill No. 38.

Lost.

ORDER OF THE DAY.

House bill No. 236, entitled "An act to make valid and to confirm contracts of sale made by the Land Board of the State of Texas with divers persons for the sale of certain of the free school, university and asylum lands of the state of Texas, sold under the act of the Legislature of the State of Texas," approved April 12, 1883.

Taken up on second reading.

Question recurred to the following amendment of Senator Kearby: Amend by adding to section 1 as amended the following, provided that no person shall be entitled to the benefit of this act except actual bona fide settlers and who are now actually occupying and residing upon said land.

Lost.

Senator Stephens called up the motion to reconsider the vote adopting the amendment of Senator Frank and the motion to reconsider prevailed. (President pro tem Cranford in chair.)

Senator Frank offered the following substitute for the amendment:

Provided nothing herein contained shall be construed to in any way validate any land sold by the State and bought by any individual or corporation upon a false or fraudulent classification. Providing further, that it shall be the duty of the commissioner of the general land office whenever he is informed and believe that any lands heretofore

classified as grazing lands or agricultural lands and were falsely classified and where as much as seven sections of land was bought by any one person to at once cause said lands to be reclassified, and if on a reclassification they are found to be agricultural lands said sale shall be cancelled because of the false classification and the purchase money and interest paid by such purchaser shall be refunded to such purchaser and said land shall be again placed upon the market and sold as agricultural lands only, and if such lands have been leased such lease shall be annulled and cancelled by the commissioner of the general land office under such laws, regulations and rules as may be prescribed.

Adopted by the following vote:

YEAS—16.

Clemens.	Harrison.	McKinney.
Crane.	Kearby.	Potter.
Cranford.	Kimbrough.	Simkins.
Finch.	Lubbock.	Weisiger.
Frank.	Maetze.	Whatley.
Glasscock.		

NAYS—10.

Carter.	Mott.	Sims.
Garwood.	Page.	Stephens.
Johnson.	Seale.	Townsend.
		Tyler.

The amendment as substituted was adopted.

(The president in the chair.)

Senator Sims offered the following amendment:

Amend by adding at end of section 1 as follows: And no person shall be entitled to the benefits of this act who obtained the land or purchased the land through fraud or misrepresentation, nor where the land was acquired by purchase in name of one person when same was for the use and benefit of some other person or corporation.

Upon which the following vote was taken:

YEAS—13.

Atlee.	Harrison.	Seale.
Clemens.	Johnson.	Simkins.
Finch.	Kearby.	Sims.
Frank.	Lubbock.	Whatley.
Glasscock.		

NAYS—13.

Carter.	Maetze.	Stephens.
Crane.	McKinney.	Townsend.
Cranford.	Mott.	Tyler.
Garwood.	Potter.	Weisiger.
Kimbrough.		

There being a tie the chair voted no and the amendment was lost.

Senator Glasscock offered the following amendment:

Amend section 1 by inserting after the word "board" in line 14 the following: "And where such purchaser of said land has not abandoned the settlement made by him on said land for more than twelve months."

Lost.

The bill was passed to a third reading.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—25.

Atlee.	Glasscock.	Potter.
Burney.	Johnson.	Seale.
Carter.	Kearby.	Simkins.
Clemens.	Kimbrough.	Sims.
Crane.	Lubbock.	Stephens.
Cranford.	Maetze.	Townsend.
Finch.	McKinney.	Weisiger.
Frank.	Page.	Whatley.
Garwood.		

Bill read third time and passed by the following vote:

YEAS—21.

Atlee.	Frank.	Potter.
Burney.	Garwood.	Seale.
Carter.	Johnson.	Simkins.
Clemens.	Kimbrough.	Sims.
Crane.	Maetze.	Stephens.
Cranford.	McKinney.	Townsend.
Finch.	Page.	Weisiger.

NAYS—4.

Glasscock.	Kearby.	Lubbock.
		Whatley.

Senate bill No. 297, entitled "An act to provide for independent school districts, and for the organization, maintenance and control of free public schools in the same, and repealing all laws and parts of laws in conflict herewith."

Taken up on second reading.

Question recurred to the substitute of Senator Garwood for the amendment of Senator Lubbock:

Strike out and insert section 19.

The provisions of this act shall not apply to cities with special charters, giving said cities the form of control of their public schools.

Adopted.

The amendment as substituted was adopted.

The bill was ordered engrossed.

Senator Garwood moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee.	Garwood.	Potter.
Burney.	Glasscock.	Seale.
Carter.	Johnson.	Simkins.
Clemens.	Kearby.	Sims.
Crane.	Kimbrough.	Stephens.
Cranford.	Maetze.	Townsend.
Finch.	McKinney.	Weisiger.
Frank.	Page.	Whatley.

NAYS—2.

Harrison.	Lubbock.
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Bill read third time and passed by the following vote:

YEAS—22.

Atlee,	Frank,	Potter,
Burney,	Garwood,	Seale,
Carter,	Glasscock,	Simkins,
Clemens,	Harrison,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Weisiger,
		Whatley.

NAYS—3.

Kearby,	Lubbock,	Page.
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By consent Senator Atlee sent up the following report:

COMMITTEE ROOM.

Austin, March 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Public Health, to whom was referred

House joint resolution No. 23, "creating an auditing board to pass on certain claims against the State, and to authorize the Governor to direct payment thereof,"

And also concurrent resolution on the same subject,

The purpose of the resolutions being to constitute the State health officer, the comptroller and the attorney-general an auditing board to pass on claims for services rendered under the quarantine laws, accrued under the prior administration,

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that House joint resolution No. 23 do pass, and that the concurrent resolution do not pass, because the subject matter of the concurrent resolution is embraced in said House joint resolution No. 23.

ATLEE, Chairman.

Senator Atlee moved to postpone pending business, suspend the rules and take up out of its regular order House Joint Resolution No. 23, creating an auditing board to pass on certain claims against the State and to authorize the governor to direct payment therefor.

Adopted by the following vote:

YEAS—25.

Atlee.	Glasscock,	Potter,
Burney,	Harrison,	Seale.
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens.
Cranford,	Maetze,	Townsend,
Finch,	McKinney	Weisiger,
Frank,	Mott,	Whatley.
Garwood,		

NAYS—3.

Johnson,	Page,
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Resolution taken up and read second time with a favorable committee report.

The resolution was passed to a third reading.

Senator Atlee moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the resolution pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Garwood,	Seale,
Burney,	Glasscock,	Simkins,
Carter,	Harrison,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend.
Cranford,	Lubbock,	Weisiger.
Finch,	Maetze,	Whatley.
Frank,	Potter,	

NAYS—2.

Johnson,	Page.
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Resolution read third time and passed by the following vote:

YEAS—24.

Atlee,	Garwood,	Potter,
Burney,	Glasscock,	Seale,
Carter,	Harrison,	Simkins,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Weisiger.
Frank,	McKinney,	Whatley.

NAYS—1.

Page.

Senator Townsend introduced the following resolution:

Whereas, there are nine committee clerks in the employ of the Senate; and, whereas, the committee work is nearly all completed; therefore, be it

Resolved that the President of the Senate be, and he is hereby authorized and directed to dispense with the services of such clerks as are unnecessary.

TOWNSEND,
CRANE,
WHATLEY,
MCKINNEY,
PAGE,
CLEMENS,
CARTER,
FRANK,
KIMBROUGH.

Adopted.

Senator Kimbrough moved to postpone pending business, and take up out of its regular order

Senate bill No. 365, entitled "An act to amend section 6 of an act entitled an act to require railroad companies in this State to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their race, and to confer certain powers upon conductors, and to provide penalties for the violation of this act, passed by the Twenty-second Legislature and approved March — 1891."

Adopted.

Bill read second time with a favorable committee report.

The bill was ordered engrossed.

(Senator Potter in the chair.)

Senator Kimbrough moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Frank,	Potter,
Burney,	Garwood,	Seale,
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	McKinney,	Weisiger,
Finch,	Page,	Whatley.

NAYS—None.

The bill was read a third time and passed by the following vote:

YEAS—21.

Atlee,	Frank,	Potter,
Burney,	Garwood,	Simkins,
Carter,	Harrison,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Cranford,	Lubbock,	Weisiger,
Finch,	Page,	Whatley.

NAYS—2.

Johnson, McKinney,

Senator Frank moved to postpone pending business and take up out of its regular order

Senate bill No. 38, entitled "An act to amend article 2257 of the revised civil statutes of the State of Texas."

Adopted.

And substitute bill read second time with favorable committee report.

Senator Frank moved to adopt the committee substitute.

Adopted.

Senator Frank offered the following amendment:

Amend by adding section 2 to the bill:

Section 2. The near approach of the close of the present session of the Legislature and the great importance of this act becoming a law, creates an emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

Adopted.

Senator Kearby moved to reconsider the vote adopting the committee substitute.

Senator Kearby withdrew the motion to reconsider.

Senator Townsend offered the following amendment:

Amend by striking out the words "and the source of the affiant's information."

Adopted.

(The President in the Chair.)

Senator Townsend offered the following amendment:

Amend by striking out the words, "and such affidavit shall further state the facts and circumstances upon which such belief is based."

Lost by the following vote:

YEAS—12.

Atlee,	Johnson,	Page,
Burney,	Kearby,	Stephens,
Clemens,	Lubbock,	Townsend,
Garwood,	Maetze,	Whatley.

NAYS—13.

Carter,	Glasscock,	Potter,
Crane,	Harrison,	Seale,
Cranford,	Kimbrough,	Sims,
Finch,	McKinley,	Weisiger,
Frank,		

Senator Kearby offered the following amendment:

Strike out all after the word suit in line 11, page 2.

Lost.

Senator Cranford moved to reconsider the vote by which the amendment of Senator Townsend was lost, which motion prevailed.

On reconsideration, the amendment of Senator Townsend was lost by the following vote:

YEAS—12.

Atlee,	Garwood,	Maetze,
Burney,	Johnson,	Simkins,
Clemens,	Kearby,	Stephens,
Crane,	Lubbock,	Townsend,

NAYS—14.

Carter,	Harrison,	Seale,
Cranford,	Kimbrough,	Sims,
Finch,	McKinney,	Weisiger,
Frank,	Page,	Whatley.
Glasscock,	Potter,	

Senator Sims offered the following amendment: Amend by adding to end of section 1, page 2, as follows:

Provided that either party to the suit shall be entitled to have the instrument introduced in evidence for the consideration of the court or jury when the instrument is thirty years old or over and coming from the proper custody.

Adopted.

Senator Townsend offered the following amendment: Amend at end of bill as follows:

"But the burden of proof shall be on the party claiming under such forged instrument."

Adopted.

Senator Frank moved to reconsider the vote by which the first amendment by Senator Townsend was adopted.

Upon which the following vote was taken:

YEAS—12.

Crane,	Harrison,	Simkins,
Cranford,	Kimbrough,	Sims,
Finch,	Potter,	Stephens,
Frank,	Seale,	Whatley.

NAYS—12.

Atlee,	Johnson,	McKinney,
Burney,	Kearby,	Page,
Clemens,	Lubbock,	Townsend,
Glasscock,	Maetze,	Weisiger.

There being a tie the president voted "no," and the motion to reconsider was lost.

Senator Seale offered the following amendment:

Amend page 2, line 4, by inserting after the word "him" the following: "or any person whose interest may be affected thereby."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—16.

Carter,	Glasscock,	Seale.
Crane,	Harrison,	Simkins,
Finch,	Kimbrough,	Sims,
Frank,	Maetze,	Stephens.
Garwood,	Potter,	Weisiger,
		Whatley.

NAYS—10.

Atlee,	Cranford,	Lubbock,
Burney,	Johnson,	McKinney.
Clemens,	Kearby,	Page,
		Townsend.

Senator Frank moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—25.

Atlee,	Glasscock,	Potter,
Burney,	Harrison,	Seale.
Carter,	Johnson,	Simkins,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend.
Finch,	McKinney,	Weisiger.
Frank,	Page,	Whatley.
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—14.

Carter,	Glasscock,	Simkins,
Crane,	Harrison,	Sims,
Finch,	Kimbrough,	Weisiger.
Frank,	Maetze,	Whatley.
Garwood,	Seale,	

NAYS—12.

Atlee,	Johnson,	Page,
Burney,	Kearby,	Potter.
Clemens,	Lubbock,	Stephens.
Cranford,	McKinney,	Townsend.

Senator Burney moved to postpone pending business and take up Senate bill No. 1, entitled an act to provide for the holding of the terms of the supreme court, commission of appeals and court of appeals at Austin, and reconsider the vote by which it was

refused engrossment by the Senate. Adopted by the following vote:

YEAS—17.

Atlee,	Harrison,	Simkins,
Burney,	Kimbrough,	Sims,
Carter,	Maetze,	Stephens,
Crane,	McKinney.	Townsend,
Frank,	Page,	Weisiger.
Garwood,	Potter,	

NAYS—9.

Clemens,	Kearby,	Seale.
Cranford,	Lubbock.	Tyler.
Johnson,	Mott.	Whatley.

Senator Glasscock announced that he was paired with Senator Ingram. If the latter were present he would vote aye, and himself (Senator Glasscock) would vote no.

Senator Finch announced that he was paired with Senator Pope. If the latter were present he would vote no, and himself (Senator Finch) would vote aye.

Senator Finch asked and obtained consent to withdraw the motion to reconsider the vote by which the amendment of Senator Crane was lost.

Senator Carter moved the previous question on the engrossment of the bill, which was ordered.

Senator Harrison moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—11.

Atlee,	Kearby.	Mott.
Clemens,	Lubbock.	Seale.
Cranford,	Maetze,	Whatley.
Harrison,	McKinney.	

NAYS—17.

Burney,	Glasscock,	Sims.
Carter,	Johnson,	Stephens.
Crane,	Kimbrough,	Townsend.
Finch,	Page,	Tyler.
Frank,	Potter.	Weisiger.
Garwood,	Simkins,	

On the engrossment of the bill the following vote was taken:

YEAS—13.

Burney,	Kimbrough,	Sims,
Carter,	Page,	Stephens.
Crane,	Potter,	Townsend.
Frank,	Simkins,	Weisiger,
Garwood,		

NAYS—13.

Atlee,	Kearby.	Mott.
Clemens,	Lubbock,	Seale.
Cranford,	Maetze,	Tyler.
Harrison,	McKinney,	Whatley.
Johnson,		

There being a tie the chair voted aye, and the bill was ordered engrossed.

Senator Glasscock announced that he was paired with Senator Ingram. If the latter were present he would vote "aye" and himself, (Senator Glasscock) would vote "no."

Senator Finch announced that he was paired with Senator Pope. If the latter were present he would vote "no" and himself (Senator Finch) would vote "aye."

Senator Page moved that the journal clerk be instructed to have the House amendments to Senate bill No. 2 printed in the journal of today.

Adopted.

The amendments are as follows:

Amendments to Senate bill No. 2.

1. Insert in the bill wherever it occurs, "public free schools" for "common schools."

2. After enacting clause make section 1 read as follows:

Section 1. The State board of education, together with the State superintendent of public instruction, shall constitute a board for the purpose of adopting a uniform system of text books for the use of the public free schools of this State, and for the further purpose of executing the provisions of this act. Said board is hereby authorized to select and adopt a uniform series of text books for the purpose above indicated, and the board in selecting such series of school books may call to their assistance three experienced educators, said series to include the following branches of study, to wit: Spelling, reading, English grammar, geography, arithmetic, physiology, which shall include a statement of the effects of alcohol and narcotics on the human system, and history of the United States and history of the State of Texas, and a graded series of writing books; provided nothing of a sectional, partisan or sectarian character shall be contained in said books.

Immediately after completing the selection of the series of text books herein provided for each of said educators chosen by the Board of Education and each of said Board of Education shall take and subscribe before some officer qualified to administer oaths the following oath:

I do solemnly swear that in the matter of selecting a series of text books for use in the public schools of the State, I have been influenced only by the merit of the books recommended and chosen by me, and I have not directly nor indirectly received anything of value, nor have I any contract or understanding with any person whatsoever, whereby I am to receive anything of value, for making any selection or recommending for selection any book or books.

Make section 2 read as follows:

Section 2. The said board shall, immediately upon taking effect of this act, advertise for such time and in such manner as they deem best to ob-

tain the desired information, that at a time and place to be fixed by said notice, and not later than two months after the first publication thereof, said board will receive sealed proposals as follows: From the publishers of school text books for furnishing books to the schools of the State, through agencies established by said publishers in the several counties of the State, as may be provided for in such regulations as the said board may adopt. No bid from any publisher shall be entertained by said board made for a less period of time than five years. Said bid or bids shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books proposed to be furnished; provided it shall be required of the bidders to deposit with the treasurer of the State such sum of money as the board may require not less than \$500 and not more than \$2500, according to the number of books each bidder may propose to supply. Such deposit shall be forfeited to the state absolutely if such bidder so depositing any sum shall fail to make and execute such contract and bond as is herein required, within such time as the board of education may require, which time shall be stated in the notice advertised.

All bids shall be deposited, sealed with the comptroller of the state, to be by him delivered to the board of education when they are in session for the purpose of considering the same when they shall be opened in the presence of the board.

Whenever any person has been awarded a contract and filed his bond and contract with the board, the said board shall make an order on the treasurer of the state, reciting such fact, whereupon the treasurer shall return the deposit of such successful bidder; but if any such successful bidder shall fail to make and execute the contract and bond as hereinbefore required, the treasurer shall place such special deposit into the state treasury to the credit of the available school fund, and the board of education shall readvertise, if they conclude to do so, for other bidders to supply such books which the successful bidder may have failed to supply. All unsuccessful bidders shall have their special deposits returned to them as soon as the board of education has decided not to accept their bids. All books selected and adopted by

the board shall be printed or written in English.

The board of education may stipulate in the contract for supplying books as herein provided that the contractor or contractors shall exchange the contract books for all books actually in use, and for which purpose the value of the books in use shall be deducted from the contract price of the new books provided.

The successful bidder to supply any books, who may have awarded to him or them any contract, shall, within the time fixed by the board of education, enter into contract, and shall make and execute a good and sufficient bond, payable to the State of Texas, and in the sum of not less than \$10,000, signed by not less than three solvent sureties, who shall be residents of the State of Texas, to be approved by the Governor, which said bond may be put in suit at any time upon suggestion of the board of education.

Such bond shall be conditional that the contractor or contractors than \$2500, according to the number of books each bidder may propose to supply. Such deposit shall be forfeited to the State absolutely if such bidder so depositing any sum shall fail to make and execute such contract and bond as is herein required, within such time as the board of education may require, which time shall be stated in the notice advertised.

Whenever any person has been awarded a contract and filed his bond and contract with the board, the said board shall make an order on the treasurer of the State, reciting such fact, whereupon the treasurer shall return the deposit of such successful bidder; but if any such successful bidder shall fail to make and execute the contract and bond as hereinbefore required, the treasurer shall place such special deposit in the State treasury to the credit of the available school fund, and the board of education shall readvertise, if they conclude to do so, for other bidders to supply such books which the successful bidder may have failed to supply. All unsuccessful bidders shall have their special deposits returned to them as soon as the board of education has decided not to accept their bids. All books selected and adopted by the board shall be printed or written in English.

The board of education shall make arrangements, if practicable, for the exchange of books heretofore used in

the schools of the State for the books that may be selected by said board of education.

The successful bidder to supply any books, who may have had awarded to him or them any contract, shall, within the time fixed by the board of education, enter into contract, and shall make and execute a good and sufficient bond, payable to the State of Texas, and in the sum of not less than \$10,000, signed by not less than three solvent sureties, who shall be residents of the state of Texas, to be approved by the governor, which said bond may be put in suit at any time upon suggestion of the board of education.

Such bond shall be conditional that the contractor or contractors faithfully and honestly perform the conditions of the contract. Said contract and bond shall be prepared by the attorney general and be made to conform to the requirements of this act.

Amend section 3 by striking out "or," line 16, also "proposals," line 17, also strike out "proposals or propositions," line 17, and insert "bids."

Also strike out all after "books," line 21, page 3, down to and including "fund," line 22, page 4.

Also by striking out "such," in line 22, page 4.

Amend section 6 by striking out all after "any," line 29, down to and including "district," line 1, page 6, and insert in lieu thereof "county judges may, in the name of the State of Texas, sue in the district court of his county, and recover on the bond given by the contractor under this act for the full value of the books so failed to be furnished for the use and benefit of the schools of his county, and the amount so recovered shall be placed to the credit of the available school fund in the county so recovering it." Also page 6, make line 8 read as follows: "Address a circular letter to the trustees of all the public free schools of this State."

Amend section 9 by adding "provided nothing herein shall be construed to prevent the use of supplementary books."

Amend section 10 by adding "for each offense and every day of such violation shall be considered a separate offense."

Strike out section 11.

Strike out section 13.

Amend section 12 by adding "the superintendent of public instruction is

hereby authorized to employ one additional clerk at a salary of not more than \$1200 per annum for the purpose of carrying out the provisions of this act, said clerk to be paid in such manner as other employes in his office."

Amend by making section 15 read section 16, and add section 15 as follows:

Section 15. That in case no satisfactory bid be made by any responsible publisher for furnishing books as herein provided, then the board of education is authorized and empowered to secure from any author or authors the manuscript and copyright of any text book herein prescribed, and shall thereupon call upon the State Printing Board of the state to put the state printing office in proper condition to print and bind the said books for distribution throughout the state, and said printing board shall cause said books to be printed, bound and distributed among the several counties, cities and towns of the State to be sold at the cost of production and the cost of distribution and delivery. Said books shall be distributed so far as practicable under the rules prescribed in this act, and shall have power to prescribe such additional rules as may be necessary to secure a proper distribution of such text books.

In order to carry out the provisions of this section the sum of one hundred thousand dollars or so much thereof as may be necessary, is hereby appropriated to be paid out upon the order of the board of public printing.

On motion of Senator Simkins the Senate adjourned to 10 a. m. tomorrow.

SIXTY-THIRD DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, March 27, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering their names:

PRESENT—23.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Potter,
Carter,	Johnson,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley,
Garwood,	Mott,	

ABSENT—4.

Clark, Simkins, Weisiger,
Pope,

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Stephens the further reading of the same was dispensed with.

Senator Glasscock moved to correct the Journal of yesterday on the vote to engross Senate bill No. 1. In his pair with Senator Ingram he is recorded as stating that he would vote no, and Senator Ingram would vote aye, whereas the vote should show that Senator Ingram would vote no, and he (Senator Glasscock) would vote aye,

And it was so ordered.

BILLS AND RESOLUTIONS.

By Senator Finch:

A bill to be entitled an act to create a more efficient road system for the county of Collin, in the State of Texas, and making the county commissioners ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners and defining the powers and duties of the commissioners' court of said county.

Read first time and referred to committee on Roads and Bridges.

By Senator Garwood (by request):

A bill to be entitled "An act to amend article 4278 of the revised civil statutes of the state of Texas, as amended by an act approved April 8, 1889."

Read first time and referred to committee on Internal improvements.

By Senator Page:

A bill to be entitled "An act to provide for the election of the commissioner of agriculture, insurance, statistics and history, at the general election in 1892, and at every general election thereafter."

Read first time and referred to committee on State Affairs.